

Exhibit 5

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DEMETRIUS BROWN,
Plaintiff,

- v -

UNITED STATES DEPARTMENT
OF JUSTICE, et al.,
Defendants.

C. A. No. 04-379(Erie)

DECLARATION OF DAWN MARINI, M. D.

1. I, Dawn Marini, M.D., do hereby declare that I am employed as the Clinical Director at the Federal Correctional Institution (FCI), Ray Brook, New York. I have been employed in this capacity since approximately January 21, 2001.
2. The medical records of the inmates who are either incarcerated at or released from (and are currently serving a term of supervised release) FCI Ray Brook are maintained in the ordinary course of business at FCI Ray Brook. As the Clinical Director at FCI Ray Brook, I have access to the medical records that are maintained in the ordinary course of business at FCI Ray Brook, including the medical record of inmate Demetrius Brown, Reg. No. 21534-039, the Plaintiff in the above-captioned civil action.
3. I have reviewed inmate Brown's prison medical records. The following is a summary of the medical attention he received from July 8, 1997, through December 28, 2006:
 - a. On July 8, 1997, an intake screening examination was conducted in which he denied suicidal thoughts, and indicated he was not taking medications.
 - b. On July 14, 1997, inmate Brown reported a fungal infection of his toe and nail. After an examination, he was assessed with fungal infection. He was given antifungal cream, and he was educated regarding foot hygiene.
 - c. On July 16, 1997, a medical examination was conducted.

- d. On September 19, 1997, inmate Brown sustained a superficial wound to his hand at his inmate work assignment. He indicated he was working with a putty knife, when his hand slipped, and the putty knife went into his hand. A 0.5 cm. superficial scratch-like wound was observed. The wound was cleaned and a bandage was applied.
- e. On July 9, 2005, a bi-annual physical examination was conducted;
- f. On March 1, 2005, inmate Brown reported staph exposure. He was assessed with status post staph exposure. He was not treated at that time. Id. at p. 19.
- g. On March 2, 2005, Plaintiff cleared the annual food handler's examination. During the examination, he presented no acute or chronic inflammatory conditions of the respiratory system, no acute or chronic infections, skin diseases or open sores, and no acute or chronic intestinal infections, and no communicable diseases.
- h. On October 25, 2005, inmate Brown complained of a cold sore on his upper lip with hyper pigmentation for one week. After an examination, he was assessed with herpes simplex virus I, and hyper pigmentation lesion. He was educated regarding his condition.
- i. On January 9, 2006, inmate Brown was seen at sick call with complaints of a rash on his stomach and arms. He indicated the rash developed after he ate sunflower seeds. He was prescribed Hydroxyzine and was educated regarding the rash.

4. Attached hereto, please find a true and correct copy of the prison medical record of inmate Demetrius Brown, Register Number 21534-039, which is maintained in the ordinary course of business at FCI Ray Brook.

Pursuant to the provisions of 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of January, 2007.

Dawn Marini, MD
Dawn Marini, M. D.
Clinical Director
Federal Correctional Institution
Ray Brook, New York